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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/890,139 | 11/13/2001 | N. Lennart Eriksson | LAGROTH-026 | 7721 |

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT PAPER NUMBER

1733

DATE MAILED: 10/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,139

Applicant(s)

ERIKSSON ET AL.

Examiner

Sam Chuan C. Yao

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1733

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I (claims 6-8) in Paper No. 8 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tisch (US 5,433,905) in view of Pozzo et al (US 4,009,073) and WO 98/50208.

Tisch discloses a process for continuously making a lignocellulosic particle board, the process comprises providing a mat comprising binder coated lignocellulose particles; feeding the mat into a steam injection press; pressing and applying steam to the mat to cure the binder and form the particle board, while the steam is actively removed by applying a suction pressure (col. 1 lines 7-25; col. 2 lines 46-58; figures 1-2).

It is unclear whether the lignocellulose particles in a mat taught by Tisch are subjected to drying before the mat is fed into a steam injection press. However,

Art Unit: 1733

such would have been obvious in the art as such is notoriously well known in the art in order to form a mat with a desired moisture content.

Tisch is silent on whether or not a resultant particle board is subjected to a post-conditioning/treatment operation. In particular, Tisch does not teach *"conditioning said board by drawing a predetermined volume of air having a predetermined moisture content at a predetermined temperature through said board by means of suction applied through said board"*. However, it would have been obvious in the art to subject a resultant board condition a board by subjecting the board to an air having a predetermined moisture content at a predetermined temperature, because Pozzo et al teaches subjecting a particle board to an in-line humidification operation by exposing the board to humid air (i.e. 95% relative humidity) and at a temperature of around 200 °F to prevent the board from buckling or warping (col. 9 lines 20-41). Moreover, it would have been obvious in the art to perform an in-line humidification using a post-gas treatment similar to the method/apparatus taught by WO '208, where a *"gaseous treatment agent is contacted with at least one wall of the board and is caused to pass through the thickness of the board"* using a vacuum pressure, because WO '208 discloses subjecting at least one wall of a continuously moving board with a gas treatment agent such as a steam and causing the gas to pass through the thickness of the board by forming a vacuum pressure on the opposing wall of the board so as to shorten a post-gas treatment time, and also to recover *"obnoxious emissions such as VOV gases released by the board material and for passing them to*

further processing.”; wherein the gas treatment agent moisture content and temperature are controlled “*to achieve a desired effect on the material 1 being treated*” (abstract; page 1 lines 16-23, lines 32-37; page 2 lines 20-37; page 3 lines 1-37; col. 5 lines 24-37; claims 6-7 and 10).

Tisch is also silent on whether a resultant board is subjected to a finishing operation such as grinding/sanding. However, it would have been obvious in the art to subject a post-treated/conditioned board to sanding (i.e. grinding) as such is a notoriously common practice in the art in order to “remove[s] pimples, high spots, improves bond of subsequent coatings” (letter “s” deleted) as exemplified in the teachings of Pozzo et al (col. 9 lines 43-53).

With respect to claim 7, since as noted above, WO ‘208 teaches subjecting at one wall of a resultant board to a gas treatment operation (abstract; page 2 lines 23-33); and since WO ‘208 further teaches providing a plurality of treatment zones arranged in series; where the treatment zones are arranged in a countercurrent fashion (page 5 lines 1-22); the limitation in this claim would have been obvious in the art. An incentive for one in the art to perform the recited limitation in this claim would have simply been to obtain a self-evident advantage of subjecting the opposing wall surfaces of a resultant board to similar humidification operation, thereby forming a uniformly conditioned particle board.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references set forth in numbered paragraph 3 as applied to claim 6 above, and further in view of either Kunнемeyer (US 4,883,546) or Hagstrom (US 4,356,763).

Art Unit: 1733

Since it is a common practice in the art to control a resultant fiber-board density profile such as forming a non-uniform density board (i.e. a skin layer density greater than a core layer density) **or** forming a uniform density board (i.e. skin layer density equals to a core layer density) as exemplified in the teachings of Kunнемeyer (col. 1 lines 21-25) or Hagstrom (col. 11 lines 35-39), the limitation in this claim would have been obvious in the art. It is worthnoting that, Kunнемeyer also teaches sanding a resultant fiberboard to remove an outer surface layer of the fiberboard (col. 2 lines 38-51).


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff H Aftergut can be reached on (703) 308-2069. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2058.


Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

Scy
10-10-03